

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:05cr2

UNITED STATES OF AMERICA )  
 )  
 vs. )  
 )  
 )  
 RANULFO MAYORGA )  
 )  
 )

ORDER

**THIS MATTER** is before the Court upon the defendant's Notice of Non-Availability, which the Court will consider as a motion for a continuance of this matter from the July 18, 2005 trial term in the Charlotte Division. (Doc. No. 37).

On July 18, 2005, the Court held calendar call and announced this case would be tried on August 15, 2005, in part because of the need for an interpreter. The defendant's Notice was not filed until July 24, 2005. Additionally, the Notice fails to state the reasons counsel claims he is unavailable for trial. Thus, the Court finds that the defendant has not stated sufficient cause for a continuance in this matter.

**IT IS, THEREFORE, ORDERED** that the defendant's motion is **DENIED**.

The Clerk is directed to certify copies of this order to the defendant, counsel for the defendant, to the United States Attorney, the United States Marshals service, and the U.S. Probation office.

**Signed: July 28, 2005**

A handwritten signature in cursive script, reading "Robert J. Conrad, Jr.", written over a horizontal line.

Robert J. Conrad, Jr.  
United States District Judge

